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May 24, 2023

**VIA ECF**

The Honorable Denise L. Cote  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Granted.  
Denise Cote  
5/31/23

Re. *In Re: Acetaminophen – ASD–ADHD Products Liability Litigation*, Case No. 1:22-md-03043 (S.D.N.Y.) – Motion to File Under Seal  
**This Document Relates To:** All Cases

Dear Judge Cote:

Plaintiffs submit this letter to request that exhibits be filed under seal pursuant to the Protective Order, Dkt. 351 (the “Protective Order”), and Rule 8-B of the Court’s Individual Practices. Specifically, Plaintiffs respectfully request to file under seal Exhibits A, D, E, F, G, H, I, J, K, L, and M of the Declaration in Support of Plaintiffs’ Opposition to Johnson and Johnson Consumer Inc.’s (“JJCI”) Motion for Certification under 28 U.S.C. § 1292(b) as well as portions of Plaintiffs’ Opposition to JJCI’s Motion for Certification under 28 U.S.C. § 1292(b) (“Opposition Brief”) that discuss those exhibits.

The parties’ stipulated Protective Order prohibits Plaintiffs from publicly disclosing documents and deposition testimony that have been designated “Confidential Information” by a producing party. JJCI designated the documents contained in Exhibits A, D, E, F, H, I, J, K, L, and M in support of Plaintiffs’ Opposition as “Highly Confidential – Subject to Protective Order.” JJCI also designated the transcript excerpts in Exhibit G, from the May 19, 2023, deposition of Dr. Rachel Weinstein, as “Confidential – Subject to Protective Order.” Exhibits D, F, H, and I are also exhibits to Dr. Weinstein’s deposition.

Exhibits A, D, E, F, H, I, J, K, L, and M are all internal JJCI documents or emails, and consistent with the Court’s Order, ECF No. 504, these exhibits contain “trade secret[s] or other confidential research, development, or commercial information” subject to the protection of Federal Rule of Civil Procedure 26(c)(1)(G) because these exhibits contain JJCI’s proprietary business communications and information. *See Kewazinga Corp. v. Microsoft Corp.*, No. 1:18-CV-4500-GHW, 2021 WL 1222122, at \*3 (S.D.N.Y. Mar. 31, 2021). Similarly, Dr. Weinstein’s deposition testimony, excerpted in Exhibit G, touches on JJCI’s “confidential” or “commercial information” and should be sealed. *See id.* Accordingly, Exhibits A, D, E, F, G, H, I, J, K L, and M should be filed under seal and references to those exhibits should be redacted in Plaintiffs’ Opposition Brief.

Pursuant to the Protective Order and Rule 8-B of the Court’s Individual Practices, Plaintiffs will contemporaneously file the proposed sealed documents under seal in the ECF system and electronically relate those documents to this letter-motion.

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Respectfully submitted,

/s/ Ashley Keller

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